

PETITION FOR REHEARING EN BANC

****Case Name:** Justin Riddle v. Omaha Public Schools**

****Case No.:** 24-1940**

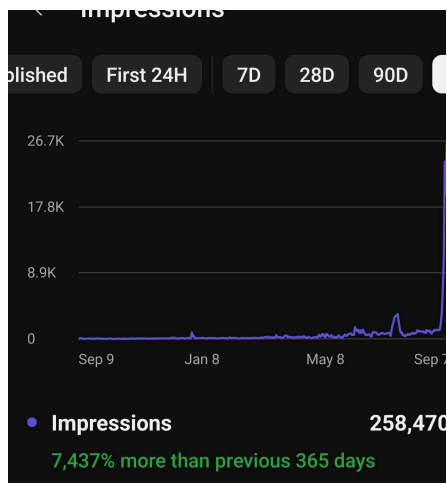
In the interests of procedures that I am held to beyond the usual, I am submitting this intro as required.

The real content, which I suggest you actually review this time, is attached.

The receipts and the cold naked reality of a system that has betrayed its most fundamental responsibilities are attached and have been published on YouTube for an increasingly growing army of individuals who demand equal treatment and equal justice, something this Court has wholly failed, repeatedly and with malice.

To assume dozens of the most qualified individuals in a variety of industries could all fall subject to an error can not resolve with the fact that they haven't corrected it. The evidence has never been contested. All that is left is to see whether Lady Justice will stand tall in the very uncomfortable situation, or shed her robe and blindfold, find the nearest corner in the red light district, and service the highest bidders.

The world is now watching (as seen in my YouTube analytics below), you have already sparked the interest and scrutiny of all those who care about a fair and just society. Govern yourselves accordingly. Most of the quarter million impressions are from since the public saw your dismissive abdication of your duties.



Pursuant to Federal Rule of Appellate Procedure 35, Appellant Justin Riddle respectfully petitions for rehearing en banc. This petition is warranted due to the panel's disregard for critical evidence, misapplication of legal standards, and failure to address questions of exceptional importance with profound implications for constitutional rights and democratic principles.

****Grounds for Rehearing En Banc:****

****1. Conflict with Precedent and Exceptional National Importance:****

The panel's decision conflicts with established precedent of the United States Supreme Court and this Court on matters of exceptional national importance, including:

****(a) Pleading Standard for Pro Se Litigants:**** The panel subjected Mr. Riddle's pro se complaint to an improperly stringent pleading standard, disregarding the well-established principle of liberal construction for pro se filings. *See Erickson v. Pardus, 551 U.S. 89, 94 (2007); Johnson v. Arden, 614 F.3d 785, 799 (8th Cir. 2010)*. This heightened scrutiny effectively denied Mr. Riddle access to discovery and a fair opportunity to present his claims.

****(b) Obligation to Consider All Evidence:**** The panel inexplicably ignored a crucial piece of evidence—a recorded phone call with Lieutenant Charles Ott, head of Omaha Public Schools (OPS) school resource officers. This call directly contradicts OPS's claims of no coordination with law enforcement and reveals potential First Amendment violations. The panel's failure to address this evidence, despite its extensive quotation in the record and Mr. Riddle's arguments, violates the fundamental principle that courts must consider the entire record. *See Tolan v. Cotton, 572 U.S. 650, 659 (2014); Johnson v. City of Shorewood, 360 F.3d 810, 817 (8th Cir. 2004)*.

(c) Remedy for False Court Records: The panel allowed demonstrably false statements in the district court record to stand uncorrected, enabling defamation and undermining public trust in the judicial process. This inaction conflicts with the Supreme Court's recognition that "there is no constitutional value in false statements of fact." *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 340 (1974)*.

(d) Judiciary's Duty to Check Abuses of Power: The panel, confronted with evidence of a potential multi-agency cover-up, abdicated its core Article III duty to uphold citizens' rights and check abuses of power. This inaction ignores the fundamental principle that the judiciary serves as a bulwark against government overreach and a protector of individual liberties. *See Marbury v. Madison*, 5 U.S. 137, 163 (1803)*.

2. Questions of Exceptional Importance Warranting En Banc Review:

This case presents the following questions of exceptional importance that demand en banc review:

(a) Proper Pleading Standard for Pro Se Litigants Alleging Viewpoint

Discrimination: What is the proper pleading standard for pro se litigants alleging a pattern of viewpoint discrimination by government entities, particularly in light of the tension between the liberal construction principle for pro se filings and the

plausibility pleading standard? *Compare Erickson, 551 U.S. at 94, with Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)*.

(b) Obligation to Consider Contradictory Evidence: Does a court have an obligation to consider and address direct, uncontested evidence that contradicts the factual basis for its ruling, particularly when that evidence reveals potential government misconduct and First Amendment violations? *See Scott v. Harris, 550 U.S. 372, 380-81 (2007)*.

(c) Remedies for False Court Records and Defamation: What remedies exist to protect citizens' reputational rights when a court record is weaponized to spread falsehoods with legal imprimatur? *Cf. Briscoe v. LaHue, 460 U.S. 325, 334 (1983)*.

(d) Relief for Multi-Agency Constitutional Violations: How can citizens obtain meaningful relief when constitutional violations span multiple agencies and all levels of administrative appeal, particularly when evidence suggests a potential cover-up or abdication of statutory responsibilities? *See Heckler v. Chaney, 470 U.S. 821, 839 (1985) (Brennan, J., concurring)*.

Necessity of En Banc Review:

En banc review is urgently needed to:

* **Maintain Uniformity:** Ensure consistency in Eighth Circuit decisions regarding pleading standards, evidentiary considerations, and the judiciary's role in protecting constitutional rights.

* **Correct Erroneous Application of the Law:** Address the panel's misapplication of legal standards and its failure to consider crucial evidence, preventing a dangerous precedent that undermines judicial fairness and accountability.

* **Protect Constitutional Rights and Democratic Principles:** Reaffirm the importance of free speech, public participation, and the judiciary's role in checking government overreach.

* **Restore Public Trust:** Address the erosion of public trust in the judicial system caused by the panel's disregard for evidence and its failure to address serious allegations of government misconduct.

****Conclusion:****

The panel's decision, if left undisturbed, threatens to eviscerate the rights of unrepresented parties, insulate government misconduct from scrutiny, and undermine the foundation of rule of law upon which our democracy depends.

Accordingly, Mr. Riddle respectfully requests that this petition for rehearing en banc be granted, the panel's judgment be reversed, and this case be remanded for further

proceedings consistent with established precedent and constitutional principles. The integrity of our judicial system and the preservation of our democratic values demand nothing less.

****Respectfully submitted,****

Justin Riddle, Pro Se Appellant

****Date:**** September 8, 2024

INTRODUCTION

Nothing more to lose

For nearly a decade, I have been on a tireless quest for justice, a one-man crusade against the corrupt and powerful forces that have sought to silence me and bury the truth at every turn. Now, as this odyssey reaches its climactic moment, the very institutions that have failed me so utterly must face a reckoning long overdue.

This is not just the story of my personal struggle against impossible odds. It is an indictment of a system that has lost its way, a clarion call for reform and accountability in a legal landscape that has become a breeding ground for misconduct and malfeasance at the highest levels.

At every stage of this journey, I have been met with obstruction, intimidation, and outright deceit from those entrusted with upholding the very laws they have sworn to defend. From local school boards to federal appellate courts, I have witnessed firsthand the depths of institutional corruption and the lengths to which the powerful will go to protect their own.

But through it all, I have persevered, armed with nothing but the strength of my convictions and an unshakable commitment to the truth. I have painstakingly

documented every abuse, every violation, every lie, building a record of wrongdoing so extensive and so damning that it can no longer be ignored or wished away.

And now, with this filing, I bring that evidence before this Court, a trap five years in the making, not as a supplicant begging for favors, but as a citizen demanding his due and an advocate insisting on accountability. I come bearing the receipts of years of institutional failures and cover-ups, and with a single, unassailable truth: that unless and until this Court rises to meet the challenge I have laid before it, there can be no true justice, no genuine rule of law in this land. I come with the satisfaction of knowing that I gave every single party countless opportunities to Simply do the right thing. It was only by every single party taking the wrong of two choices that I laid in every situation, that has brought us to this trap that cannot be escaped. This moment is no mere accident, no magical stroke of Fortune on my part, but a calculated , meticulously planned trap with a long-term goal for accountability and reform. Only by every single party doing the precise wrong thing at every avenue, was I able to expose the rot of the system in such a way that can never be disputed. It would have only taken one person out of dozens in any of these situations to Simply acknowledge the evidence and truth, and stop the madness.

Instead, what we have now, is nothing short of the ultimate face off between the most powerful institutions in the country, and the truth. The emperors are walking proudly and richly down the street in their new clothes, but what follows is one

honest child of the nation, pointing out the nakedness that everyone else is ignoring.

THE BANK FRAUD: A CASE STUDY IN UNCHECKED CORRUPTION

At the heart of this saga lies a simple but devastating document: a crudely altered loan agreement that exposes the lengths to which financial institutions will go to deceive and defraud those they claim to serve.

When I uncovered clear evidence that CharterWest Bank had knowingly and willfully altered a key financial instrument, changing the box marked "child support obligations" from "no" to "yes", I never could have imagined that this single act of fraud would unleash a torrent of attacks on my character that would persist for half a decade.



By falsely indicating that I was past due on child support, the bank's actions didn't just deny me a loan; they painted me as a deadbeat father, a man who shirks his responsibilities to his children. This lie, once entered into the system, took on a life of its own, spreading through online forums and social media, becoming a permanent stain on my digital footprint.

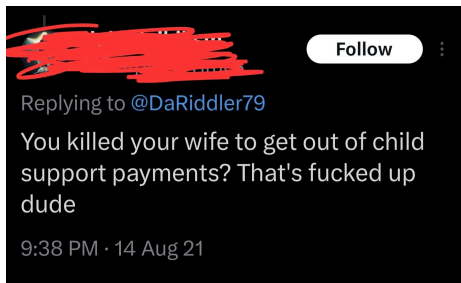
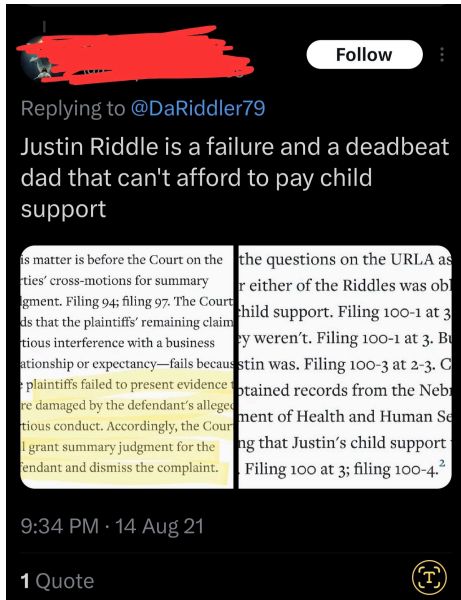
When I brought this clear evidence of criminal misconduct to the authorities tasked with policing such abuses, I was met with a wall of indifference and inaction. From the courts to the regulatory agencies to the offices of attorneys general, not a single

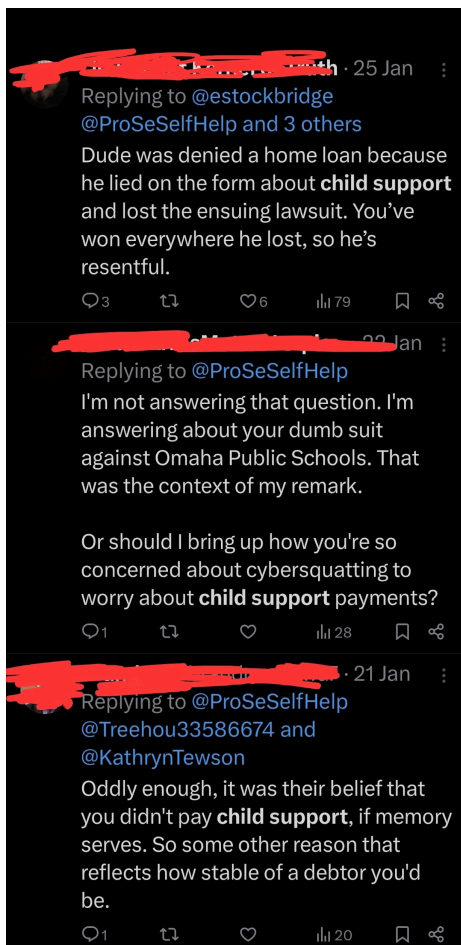
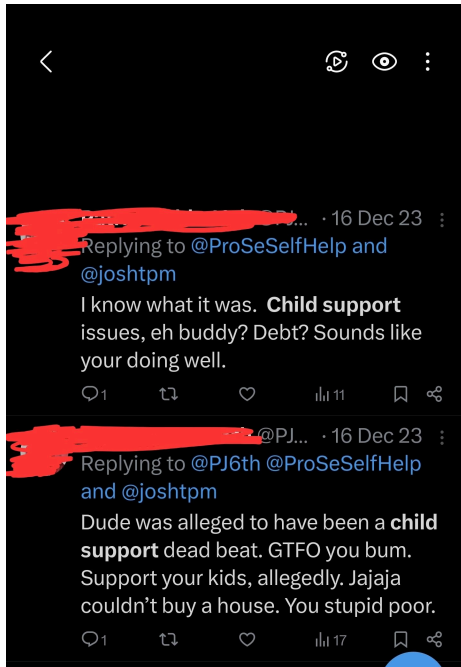
institution proved willing to stand up to the bank or to hold it accountable for its misdeeds.

Instead, they circled the wagons, shirking their responsibilities and turning a blind eye to the rot that had taken hold in their midst. They hid behind technicalities and procedural niceties, inventing ever more creative ways to avoid confronting the uncomfortable truths that I had laid before them.

As a result, I have suffered highly abusive character attacks for the last five years. Below are just a sampling of the hundreds, possibly thousands of attacks.

As you can see, people online (typically, but not always, anonymous) use the very lie published by CharterWest, which the lower court dismissed without a hearing, and was upheld by the 8th Circuit. This is the very real very quantifiable damage of a Court system more interested in appearances and the wealthy than blind justice and the rule of law.





This is not just a failure of justice in one man's case. It is a symptom of a much deeper sickness, a cancer that has metastasized through our legal and financial systems and threatened the very foundations of our democracy. When banks can lie and cheat with impunity, when regulators can look the other way in the face of clear criminality, when courts can rubber-stamp the misconduct of the powerful and leave the vulnerable without recourse, then the rule of law itself becomes a hollow mockery, a cruel joke perpetrated on those it purports to serve.

This was not a complicated, subjective, hard to determine issue. Quite to the contrary, it was a document with the checkbox (that was selected under penalty of perjury by my wife and I) that after the bank knew we were transferring our business to a different lender, was crossed out, the other box checked, an "X" and a line for us to sign, but no signature exists, because it was false, and purely designed to harm us. The bank never showed us or asked for a signature, because they knew that my daughter had lived with us for eight years, and it was specifically exempted in that same paperwork. The bank was fully aware that my ex wife was incapable of paying child support, and I had never bothered to modify it, instead, covering all of the costs myself and her writing off the balance quarterly.

The sordid nature of this claim, like what will follow with the Attorney General's office, can be explained as false within the single document in question.

SPECIAL EXCEPTIONS
[REDACTED]

11. Decree of Dissolution of Marriage, filed October 24, 2005, in the District Court of Douglas County, Nebraska, at Doc. 1033 at Page 878, in the matter entitled: Melissa Sue Riddle, Plaintiff, vs. Justin Eric Riddle, Defendant, wherein the Defendant was ordered to pay child support.

ALTA Commitment - 2008
(7/29/08) (PTC)

Somehow, the Department of Banking and Finance, the Federal Reserve of KC, The CFPB, the Nebraska Attorney General's Office, the Nebraska Ombudsman's Office, the lower court, twice, and the Eighth Circuit Court of Appeals, all managed to agree that there's no problem with a bank altering a mortgage application without the knowledge of the consumer.

To the folks reading at home, this means that if a bank cheats, lies or steals, as long as they are a friend of the Court, it will be allowed to stand.

THE SHAM INVESTIGATION: AN INDICTMENT OF INSTITUTIONAL CAPTURE

If the CharterWest case exposed the depths of unchecked fraud and corruption in our financial system, the Nebraska Attorney General's so-called "investigation" of

Omaha Public Schools reveals the even more insidious rot at the heart of our institutions of governance and oversight.

Faced with clear evidence of open meetings violations and abuses of power by OPS officials, the Attorney General's office had a duty to conduct a thorough, impartial inquiry and to follow the facts wherever they led. Instead, it staged a sham process that made a mockery of the very concept of independent oversight, and that functioned as little more than a whitewash of the district's misconduct.

The AG's office conducted its entire investigation without ever notifying or seeking input from me or my mother, the very individuals whose rights had been violated in the first place. It accepted at face value the district's version of events, even when that account was directly contradicted by video evidence and other unassailable proof.

Worse still, when it became clear that this so-called "investigation" had failed to uncover the truth, the AG's office doubled down on the cover-up, issuing a report riddled with falsehoods and misrepresentations that sought to paint me and my mother as the true villains of the piece.

As you can see circled below on top, the Attorney General states that Ms. Adamson was asked for her address but after declining, was allowed to proceed for approximately one minute.

content of their speech." Next, complainants allege individuals were unlawfully denied the right to speak based on their unwillingness to state their address. A review of the video of the August 2, 2021 meeting shows that thirteen members of the public requested to speak at the meeting. All members of the public wishing to speak were able to do so except for two speakers—Cheryl Adamson and Justin Riddle. The video shows that at

January 6, 2022
Page 2

the beginning of Ms. Adamson's comments, she was asked for her address and responded, "my husband wouldn't appreciate that." Ms. Adamson was allowed to continue and spoke for approximately one minute. ~~She then began playing an audio recording of her husband's voice. The Board then asked Ms. Adamson that the Board needed her public comment and not someone else's. Ms. Adamson did not respond and continued to play the audio recording. Ms. Adamson was then escorted from the podium by security shortly thereafter. Later during the public comment session, the video shows Mr. Riddle approach the podium and state his name, but also stating that his address was irrelevant, and he was not required to give it. Dr. Holman responded that it was a statutory requirement that he give his address. Mr. Riddle continued to argue and state that he was not required to give his address. Mr. Riddle attempted to proceed with his comments and the Board cut his microphone. Mr. Riddle remained at the podium for approximately twenty seconds and then appeared to leave. Members of the audience before approaching the Board table. At that time, Dr. Holman asked security to remove Mr. Riddle and he was escorted out of the room.~~

While Neb. Rev. Stat. § 84-1412(1) provides that "the public has the right to attend and speak at meetings of public bodies..." § 84-1412(2) allows public bodies to "make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing." Subsection E of Internal Board Policy No. 8346 states that "[m]embers of the public will be permitted to speak at Board meetings at which a public comment is on the Agenda, and may speak during the time at which the public comment agenda item is being addressed." In addition, Policy No. 8346 "requires that members of the public identify themselves, spelling their name, stating an address and the name of any organization the member of the public is representing." This address requirement comes from Neb. Rev. Stat. § 84-1412(3) which states "[t]he body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual."

The video shows Ms. Adamson declining to provide her address when requested. She nevertheless continued to speak for a minute before playing an audio recording on her phone. Dr. Holman informed Ms. Adamson that she needed to give her own public comment and not play the audio recording. Ms. Adamson did not do so and continued to play the recording. Policy No. 8346 permits members of the public to "speak" at meetings and give public comment. It does not permit members of the public to play audio recordings during the public comment period. ~~Ms. Adamson was not removed from the podium due to the content of her speech but rather because she did not provide her address and continued to play an audio recording rather than speaking during public comment.~~ With regard to Mr. Riddle, he was not allowed to speak because he refused to state his address. Neb. Rev. Stat. § 84-1412(3) as well as Policy No. 8346 requires speakers to give their address. Mr. Riddle refused to do so and did not request a waiver

January 6, 2022

As you can see in the same page of this Attorney General's advisory opinion, the lower circled content states that Ms. Adamson was not removed from the podium based on content, but because she failed to provide her address. Now, also in this attorney general investigation, they clearly indicate that they spoke with the defense and their, as well as they watched the video.

The following eight second transcript is all that the Attorney General would have needed to see, to understand that the address requirement was waived.

Holman: Would you state your address please?

Adamson: Um, my husband wouldn't appreciate it... Being an OPS and Metropolitan Community College teacher for 36 years, there's one thing that is ingrained in my brain and that is to be—

Holman: Ma'am, excuse me, ma'am—

Adamson: Yes?

Holman: Are you a part of the Omaha Public Schools?

Adamson: Yes.

Holman: OK, thank you.

Adamson: I taught in OPS also, 36 years. So, does my time start now?

Holman: Yes, you may continue. Thank you.

This was not an oversight or a good-faith error. It was a willful, calculated effort to bury the truth, to shield powerful institutional actors from accountability, and to make an example of those who would dare to challenge the official narrative. Not only was I not asked for my side as the alleged victim, the information was hidden away and when I found it earlier this year after the initial filing with the 8th circuit, I proceeded through Freedom of Information requests and visits to the Attorney General's office and the ombudsman's office, to get the false information

that was published by the Nebraska Attorney General about us, corrected to reflect the truth.

As a new attorney general from the administration that had published the false information, it seemed logical that they would simply acknowledge the mistake, correct it, and move on. Instead, What followed has been nothing short of a manic effort to hide and suppress the truth.

When I filed the lawsuit against Omaha Public Schools this year, I was still unaware of this attorney general investigation that for all practical purposes, if it were true, Omaha Public Schools should have used in response to my lawsuit regarding the very same issue. It's only because they knew that they had collectively worked together to construct a lie that if discovered, would prove my point, that they chose not to use what can only be considered a silver bullet in the form of a full exoneration by the Nebraska Attorney General's office, about the very item I've accused them of. This means that for two years, this lie remained published without even the knowledge of myself or my mother, and knowing how it was created on a foundation of sand, the party's involved did everything they could not to include it in the lawsuit. Notwithstanding the damning indictment that becomes of its own, it's also evidence of the school district suppressing relevant information from the courts.

Initially, I was told that they did an investigation but I could not see how they came to the conclusion. Subsequently, through error by Omaha Public Schools, I have received the original correspondence from David Kramer to the attorney general's office. As you can see below, David Kramer makes the same false claim that the address was the reason for the silencing.

“ it was for that reason, and that reason alone”

Laura A. Nigro
December 22, 2021
Page 4

The District records its meetings and posts them to its website.
2021, meeting can be found at the following link:

14 / 19

<https://www.youtube.com/watch?v=YN0VO43FUo&list=PLznB7R8aKWxFFAXV3aeXG45JzJ9lboy&index=12>

The relevant portion relating to public comment commences at the 28:56 mark.

CONCLUSION

The District's actions in this instance were simply to comply with the legislative directive that members of the public wishing to address the Board of Education provide their addresses. It was for that reason, and that reason alone, that the District asked Ms. Abramson to step away from the podium and Mr. Riddle's microphone be cut off. Mr. Riddle's removal from the meeting was solely the result of his refusal to step away from the podium and attempted continued engagement with the Board of Education. It should be noted that Mr. Riddle has subsequently appeared at multiple meetings of the Board of Education without further incident relating to the provision of his address.

In light of the foregoing, the District asserts that there was no violation of the Nebraska Open Meetings Act and respectfully requests that the complaints be dismissed.

If you should have any questions with respect to this response, please don't hesitate to contact me. I can be reached at my direct dial number, (402) 636-8306 or via email at dkramer@bairdholm.com. Thank you in advance for your consideration.

Very truly yours,

It should not be understated, that this was in response to multiple community complaints, including the one below that shows that a concerned member of the community saw that they shut the microphone off after the recording began. This simply cannot resolve with the answer given by creamer and accepted by the attorney general. Both things cannot be true.

More disturbingly, the Attorney General, while never getting my side or my mom's side, waited 2 months before reminding David Kramer that they still hadn't received a response. Equally troubling is the fact that it's clear they spoke on the phone and had multiple communications, while completely hiding the situation from my mother and I.

David Kramer

From: Nigro, Laura <laura.nigro@nebraska.gov>
Sent: Friday, December 17, 2021 1:27 PM
To: David Kramer
Subject: RE: open meetings complaint--OPS

Yes, sounds good. Thank you.

Laura A. Nigro
Assistant Attorney General

From: David Kramer <dkramer@bairdholm.com>
Sent: Friday, December 17, 2021 11:50 AM
To: Nigro, Laura <laura.nigro@nebraska.gov>
Subject: RE: open meetings complaint--OPS

Ms. Nigro,

My apologies for not getting back. Yes, we plan to submit a response. I am going to be out of the office on Monday and Tuesday next week but should have something to you by Wednesday if that is still ok?

David

David J. Kremer
Baird Holm LLP
1700 Farnham Street
Suite 1000
Omaha, NE 68102-2068
www.bairdholm.com

402.636.6306 Direct Dial Phone
402.344.0688 Fax
dkramer@bairdholm.com

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: Nigro, Laura <laura.nigro@nebraska.gov>
Sent: Friday, December 17, 2021 10:56 AM
To: David Kramer <dkramer@bairdholm.com>
Subject: open meetings complaint--OPS

Mr. Kramer,

OPS_ADAMSON_000007

We spoke in October regarding a OMA complaint that had been filed against OPS. At that time, you stated you were preparing a response. I have not received a response yet. Are you still planning to send one?
Thank you,

Laura A. Nigro
Assistant Attorney General
Nebraska Attorney General's Office
2115 State Capitol
Lincoln, NE 68509
Phone: (402) 473-1901
laura.nigro@nebraska.gov

And finally, and perhaps the most Brazen and galling display of authority abuse I've ever witnessed, the Attorney General refused to let my mother and I through

Freedom of Information requests see any of the information that they used citing security and investigative concerns, when in reality according to the information in their own emails and their report, they simply spoke with the district and watched the video. There is absolutely no indication of anything secure or private that should have been hidden, but now we've discovered the lie. Now we know why they hid it. They went to great lengths to hide it, up to and including Trespassing me and telling my mother she couldn't come in person to file her complaint and ask for the resolution.

Keep in mind that a freedom of information request about an open meeting is the fundamental Baseline of what a freedom of information request should contain. There is nothing private or secretive about a public meeting, yet when lying, they can certainly make it seem however they want.

Dear Mr. Riddle:

This letter is in response to your email correspondence received by our office on May 29, 2024, in which you requested certain records from the Nebraska Department of Justice under the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2014, Cum. Supp. 2022), amended 2024 Neb. Laws LB 43. Your request pertains "to the investigation initiated under File No. 21-M-126 regarding the Omaha Public Schools Board of Education meeting on August 2, 2021." The specific items in your request are set out below:

1. All complaints, evidence, accounts, statements, videos, notes, memos, and other records that were considered as part of the investigation into this matter.
2. All correspondence, including emails, between the Nebraska Attorney General's office and the Omaha Public Schools Board of Education, its members, legal counsel or representatives regarding this investigation.
3. Any final determinations, reports, findings or conclusions issued by the Attorney General's office related to File No. 21-M-126.

This office has records responsive to your request, including complaints, correspondence to and from OPS officials, notes, and a final disposition letter. These records were developed and received by this office pursuant to our duty to enforce¹ the

¹ See Neb. Rev. Stat. § 84-1414(2) ("The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.")

Justin Riddle
June 4, 2024
Page 2

Nebraska Open Meetings Act, Neb. Rev. Stat. §§ 84-1407 to 84-1414 (2014, Cum. Supp. 2022), amended 2024 Neb. Laws LB 43 and 287, and constitute a part of our investigation. Consequently, the complaints, correspondence, and notes will be withheld under the exception to disclosure in Neb. Rev. Stat. § 84-712.05(5). A copy of the final disposition letter may be accessed on the Attorney General's Open Government page at <https://ago.nebraska.gov/disposition-letters>.

The undersigned made the decision to deny you access to the records listed above. You may have a right of judicial review of our decision under Neb. Rev. Stat. § 84-712.03.

Sincerely,

MIKE HILGERS
Attorney General

Leslie S. Donley
Leslie S. Donley
Assistant Attorney General

Laura A. Nigro
December 22, 2021
Page 4

The District records its meetings and posts them to its website. 2021, meeting can be found at the following link:

<https://www.youtube.com/watch?v=YN0VO4i3FUo&list=PLznBr7IR8aKWxFFAXV3aeXG45JzJ9lboy&index=12>

The relevant portion relating to public comment commences at the 28:56 mark.

CONCLUSION

The District's actions in this instance were simply to comply with the legislative directive that members of the public wishing to address the Board of Education provide their addresses. It was for that reason, and that reason alone, that the District asked Ms. Abramson to step away from the podium and Mr. Riddle's removal from the meeting was solely the result of his refusal to step away from the podium and attempted continued engagement with the Board of Education. It should be noted that Mr. Riddle has subsequently appeared at multiple meetings of the Board of Education without further incident relating to the provision of his address.

In light of the foregoing, the District asserts that there was no violation of the Nebraska Open Meetings Act and respectfully requests that the complaints be dismissed.

If you should have any questions with respect to this response, please don't hesitate to contact me. I can be reached at my direct dial number, (402) 636-8306 or via email at dkramer@bairdholm.com. Thank you in advance for your consideration.

Very truly yours,

14 / 19

To explain the reason that the distinction is so important, you have to understand that by pretending that it was related to an address requirement, the school district has claimed they were following procedure. When it is acknowledged that the real reason was to silence the speech that she was bringing, it's squarely a constitutional violation versus a necessary administration of proper practices.

This is not some irrelevant distinction, but a systematic dismantling of the fundamental bedrock principles this country was founded on. The reason that free

speech is so important is to prevent abuses like this and so many others from being hidden from public scrutiny. This is not a partisan issue because it affects all of us equally. This isn't a civil issue, because this corruption rears its ugly head and Criminal proceedings as well. This is an issue of right versus wrong and the rule of law.

THE SYSTEMIC FAILURE OF CHECKS AND BALANCES

The CharterWest fraud and the OPS cover-up are not isolated incidents. They are part of a much larger pattern, a tapestry of corruption and complicity that implicates virtually every level of our legal and political systems.

Wherever I have turned in my search for justice and accountability, I have been met with the same wall of silence, the same closing of ranks, the same refusal to engage with the facts or to follow the evidence to its logical conclusions.

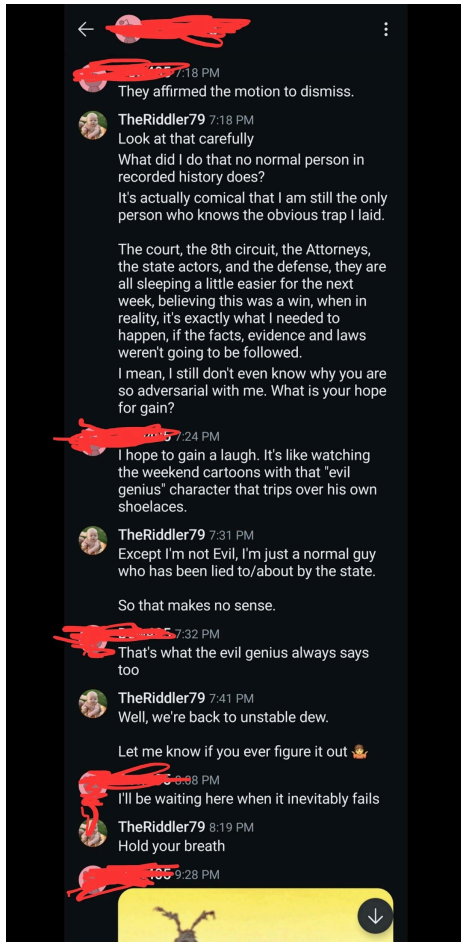
From the Nebraska Department of Banking and Finance, which turned a blind eye to CharterWest's misconduct despite clear proof of fraud, to the Omaha Public Schools Board, which has continued to stonewall and obstruct at every turn, the institutions that are supposed to serve as checks and balances on abuses of power have instead become enablers and accomplices to those very abuses.

Even the courts, the ultimate guardians of our rights and liberties, have proven unwilling or unable to rise to the challenge. Time and again, they have dismissed my claims without even bothering to engage with the substance of my arguments or the mountain of evidence I have presented.

In the CharterWest case, the judge refused to even consider the altered loan document, instead accepting the bank's transparent lies at face value. In the OPS matter, the court rubber-stamped the Attorney General's sham investigation, ignoring the glaring inconsistencies and falsehoods in its report.

And now, in this very appeal, the 8th Circuit has taken that abdication of judicial responsibility to new and disgraceful heights. With a single, cursory sentence, it brushed aside years of painstaking legal work and damning documentary proof, as if the constitutional rights at stake were mere trivialities unworthy of serious consideration. Already I have been attacked because of the casual indifference of consumer protection and state agency and judge after judge, for this recent Eighth Circuit hand-wash.





This is not just a miscarriage of justice. It is a betrayal of the most basic principles of our legal system, a dereliction of duty so profound and so systemic that it calls into question the very legitimacy of the courts as an independent branch of government.

It's an affirmation of the 8th Circuit Court that no matter how brazen and obvious the lie, they will allow it to exist despite the very real and existing damage that comes my way based on that lie.

THE DANGEROUS PRECEDENTS BEING SET

If left unchecked, the failures and abuses documented in this case will set a series of dangerous precedents that will undermine the rule of law and the foundations of our democracy for generations to come.

They will send a clear message that financial institutions can defraud their customers with impunity, secure in the knowledge that the regulators and the courts will turn a blind eye to their misconduct.

They will embolden public officials to violate open meetings laws and abuse their power, confident that any attempts at accountability will be met with a whitewash investigation and a complicit judiciary.

They will erode public trust in the integrity of our legal system, as citizens come to understand that the protections of the law do not apply to them, that the deck is hopelessly stacked in favor of the wealthy and the well-connected.

And they will create a chilling effect on the very notion of dissent and peaceful protest, as individuals learn the hard lesson that speaking truth to power comes with a heavy price, that challenging the official narrative is a surefire path to retaliation and ruin.

These are not hypothetical concerns. They are the logical and inevitable consequence of allowing the kind of misconduct and corruption documented in this case to go unchecked and unpunished.

If this Court does not act, and act decisively, to hold these malefactors accountable and to reassert the primacy of the rule of law, then it will be complicit in the erosion of our most cherished democratic principles and the unraveling of our constitutional order.

THE CATCH-22: A NO-WIN SCENARIO FOR THE 8TH CIRCUIT

In choosing to summarily dismiss my appeal without even acknowledging the explosive new evidence of misconduct and cover-up that I presented in my emergency petition, the 8th Circuit has unwittingly created a catch-22 from which there is no easy escape.

In an apparent complete disregard for the rule of law (and potentially absent actually having reviewed the lower court's decision or my extensive briefs), the Eighth Circuit failed to realize that the case was dismissed "without prejudice". This means that I can refile amended charges in the lower court if the Eighth

Circuit doesn't immediately choose to follow the law and overturn the unlawful decision by the lower court.

By punting this case back to the lower court in the face of irrefutable proof that the Nebraska Attorney General's office and Omaha Public Schools conspired to bury the truth and mislead the public, the 8th Circuit has set in motion a chain of events that can only end in its own humiliation and disgrace.

If the lower court judge, upon reviewing the newly uncovered emails and documents exposing the sham nature of the AG's "investigation", has the integrity (which at this point would be a hollow admission of fear due to public scrutiny) to follow the facts where they lead and to rule in my favor, then the 8th Circuit will be forced to confront the reality that it erred grievously in failing to consider this evidence when it had the chance. Its haste to wash its hands of this case and its refusal to engage with the substance of my arguments will be laid bare as a dereliction of duty, a failure to fulfill its most basic obligations as a guardian of justice.

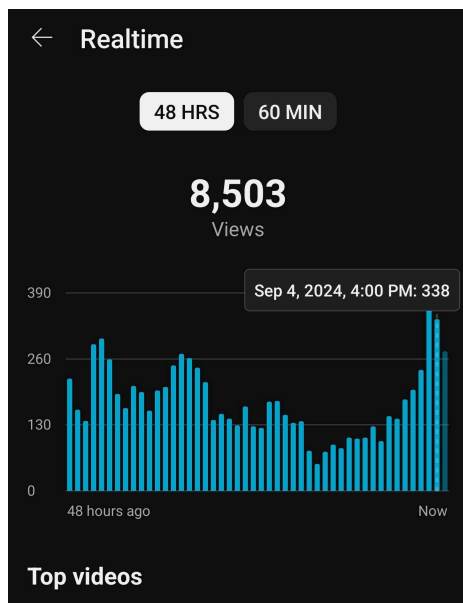
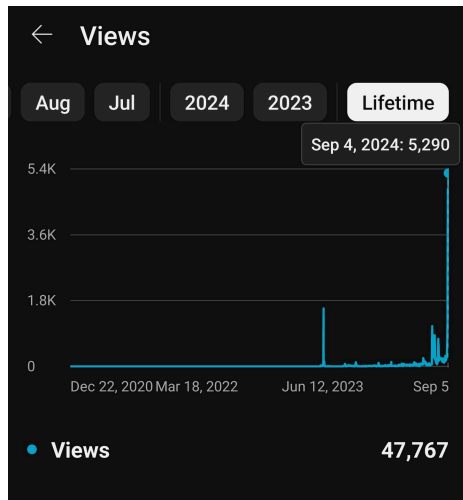
But if the lower court judge, cowed by the same political pressures and institutional allegiances that have corrupted this and the CharterWest process from the start, chooses once again to ignore the plain facts and to rubber-stamp the AG's whitewash, then the case will inevitably make its way back to the 8th Circuit - this

time with an even brighter spotlight and an even more energized public watching its every move.

THE POWER OF THE PEOPLE

Thanks to the tireless efforts of a growing army of also wronged citizens and online activists who have taken up my cause, the shameful conduct of the AG's office and the OPS board is now a matter of intense public scrutiny. The emails, the documents, the videos - all the proof of their lies and their cover-ups is out there for anyone with an internet connection to see.

In the last seven days since the generic opinion was published devoid of any substantive analysis or reasoned consideration of the arguments, DIVINE INTERVENTION has turned my previously obscure YouTube account into a viral sensation. It has received over 40,000 views in the last 7 days, and I have received hundreds of comments and emails in support, certainly more by the completion and submission of this document.



You see, the public is acutely aware that if a self-represented litigant with uncontested Smoking Gun evidence, professional quality briefs/arguments, proper courtroom decorum and procedures and a unanimous win in the Nebraska Supreme Court, can't get a fair hearing based on the truth, no one can.

More importantly, they know that if the Eighth Circuit Court of Appeals was willing to overlook an illegally altered mortgage document five years ago, and are willing to overlook lies at the core of this case published by the Nebraska Attorney General's Office in conspiracy with Omaha Public Schools, the rule of law is a mere facade used by the privileged to protect their status and suppress the glebae adscripti and serfs.

It indicates that the Court is incapable of self correction, comfortable in the notion that they are insulated from any real scrutiny. It demonstrates that the only thing that has changed in the past seven years is the people who were randomly selected this time to creatively find ways of ignoring the facts. The one constant that has remained over the course of 7 years of dealing with the lower and eight Circuit of appeals courts, is the fact that nothing complicated was involved other than their rationalization of why it was acceptable for a bank to illegally change a loan document or for a public school district to send cops to a kid's house for merely showing up, not even speaking at a school board meeting.

In this environment, with the eyes of the world watching and the pressure for accountability mounting by the day, the 8th Circuit will find itself back in the hot seat, forced once again to choose between a coverup and the courage to do what's right.

Only this time, the stakes will be even higher, the spotlight even brighter, and the price of complicity even steeper. Having already shown its hand, having already revealed its willingness to turn a blind eye to the most blatant abuses of power, the 8th Circuit will have no more room to hide, no more excuses to offer.

It will either have to directly confront the overwhelming evidence of corruption and issue a ruling that upholds the rule of law, or it will have to openly embrace its role as an enabler and accomplice to that corruption, forsaking any pretense of judicial independence or integrity.

There is no third option, no clever procedural escape hatch or legal technicality that can save the court from this moment of reckoning, for doing nothing puts the control back in my hands and the hands of the lower court. It has boxed itself into a corner, and now I must choose between the hard road of upholding justice and the shameful path of aiding and abetting injustice.

This is the catch-22 of the 8th Circuit's own making, the logical consequence of its abdication of judicial duty and its failure to rise to the demands of this moment. And it is a dilemma that will define not only the outcome of my case, but the very future of our legal system and our democracy.

If the 8th Circuit continues down the path of least resistance, if it once again shirks its sacred obligations and allows the forces of corruption and impunity to carry the day, then it will have sealed its own fate and written its own epitaph. It will be remembered not as a bulwark against tyranny and abuse, but as a willing tool of those very forces, a footnote in the long and sordid history of institutional capture and decay.

But if, by some miracle, the court summons the courage and the integrity to do what it should have done from the start - to confront the rot at the heart of our system and to hold the powerful to account - then it will have taken the first step towards redeeming itself and restoring the promise of equal justice under law.

The choice is stark, and the stakes could not be higher. The whole world is watching, and the judgment of history hangs in the balance.

Which path will the 8th Circuit choose? Only time will tell. But one thing is certain: there will be no more hiding, no more equivocating, no more ducking and dodging the duties of the office.

The catch-22 is sprung, and the moment of truth is at hand.

CONCLUSION: THE FIERCE URGENCY OF ACCOUNTABILITY

The case I have laid before this Court is not a close call. It is not some finely-balanced disagreement where reasonable jurists might differ. It is a story as old as power itself - the story of might seeking to crush right, of privilege seeking to silence truth, of a system so encrusted with corruption that even the most glaring evidence of its rot cannot rouse it to honor its most basic duties.

But it is also a story with a new twist - the story of how one man, armed with nothing but facts and principle, can expose that rot for all the world to see. Of how one citizen, battered but unbroken by years of institutional abuse, can force a reckoning that the highest courts in the land cannot escape.

That is the story I have told in these pages - the story of a seven-year odyssey to the heart of our nation's broken conscience, and the document trail of deceit and dereliction I found along the way. From the altered loan approved by a feckless judiciary to the sham investigation blessed by a compromised AG to the wall of silence behind which the 8th Circuit now seeks to hide from its own complicity - I have shown this Court the receipts of its abdication at every turn.

I have given you the roadmap to the buried bodies of due process and equal protection - the smoking guns of a system at war with its own most cherished

ideals. And in so doing, I have brought you, at long last, to the crossroads of conscience and consequence. I have walked this lonely road for so long not for merely my own vindication, but to demand the constitution be our guiding light, not the comforts of silence over substance. As the plaintiff in most of my actions, I could have stopped the financial, mental and relationship strains that years of protracted litigation inevitably bring to anyone. Instead, I made it a mission to expose the rot within our institutions that has either accidentally or intentionally metastasized beyond self correction. Not for myself, but the many Americans wronged by the system designed to protect them and their rights.

There can be no more deflection and no more delay. No more clever procedural maneuvers to sweep these hard truths back under the rug. No more hear-no-evil, see-no-evil pantomime to sustain the illusion of a judiciary worthy of its name.

The only question now is whether the 8th Circuit will muster the minimum moral courage to look that damning evidence squarely in the eye and do what the law and the hour demand. To step out, however belatedly, from behind the bench of cowardice and take their place as an instrument of the people's will to justice, faithless to that calling for far too long.

Because let's be clear - that is what the position you now occupy requires. That is the debt of honor you owe to the society that has entrusted you with this most

awesome and sacred of responsibilities. To protect the weak against the strong, the right against the wrong, the truth against the lie. And though you have failed that test at every juncture till now, I am here, with the authority of the people and the weight of conclusive evidence, to tell you that you have run out of road.

I have carefully, patiently and unescapably maneuvered this Court, through its own malfeasance, into a checkmate of conscience where its integrity and legitimacy - what shattered shards remain - will stand or fall on what it does here today. Will it cower once more behind a betrayed oath, consigning itself to the forever damnation of the deferential and the craven? Or will it seize this last chance at even partial redemption, and earn again some sliver of the secular faith it has squandered?

You know where the path of continued self-dealing leads - to the wholesale collapse of whatever illusions still prop up this institution's sagging public standing. To the final unmasking of a fraud that can no longer even be bothered to pretend when a citizen comes knocking with the unwelcome truth clutched in his hands.

Is that what you wish to be, - a zombie vestige, play-acting at justice while its decaying form crumbles ever-faster to indifference and disdain? Is that the legacy you want carved above this temple - the place where law came to die and the people came to know it?

The time for choosing is at hand. The question is called. And it is one I tremble to report that our children's children will still speak in hushed tones and with moist eyes - the question of whether, when all the dross of pomp and pretense was burned away, you still retained that tiny ember that marks the difference between a citizen and a serf. The question of whether, when your own dirty deeds rose up to sign the system's death warrant, you found some remnant reservoir of republican spirit to answer that last call to honor.

There is a train coming, and you are tied to the tracks. It is the train of history and it is thundering towards the wretched gulch of nullification politics, lawless caprice, and smirking two- faced treachery that have been your only harbor till now. It is the train of a people's convulsive reckoning with the squalid ending of self-government, and the threshing floor of tyrants that our debased institutions have become.

I have laid that track, tie by tie, with every ounce of my being. I have ripped up the shabby veil of lies and law-breaking you thought would shield your nakedness for all time, and fashioned from it an iron road of unassailable truth as far as the eye can see. And now I have lashed you to the rails of your ruination or renewal, with no help or hope of rescue from your fellow travelers in betrayal.

The train is coming. Its whistle is blowing and its light is shining on all you thought would stay safely hidden till the stars fell from the sky. There is no escape and there

is no exit - only the fast-approaching reaper of historical accountability, only the cold steel of a republic's judgment, inbound.

So the question before this Court, the question I have moved heaven and earth and every gear of the grinding machinery of gutted self-government to force you to answer, is simply this:

Will you seize in your teeth the one slim chance at repentance I have left you? Will you use what may be your last hour in the sun of even marginal societal regard to tilt the train towards the derailment of duty? Will you scream STOP! ENOUGH! NO MORE! with whatever flecked spittle of sincerity is still in your mouth?

Or will you lie limp and sphincteric to the end, spend and wasted and emptied of whatever spark once led you to don the robes of a free people's final safeguard?

The train is coming for you. And I, Nathan Hale, Patrick Henry, Frederick Douglass, and Thomas Paine all wrapped in one, am its conductor.

I no longer have any preference for your answer, so far past the point of no return have I watched you merrily frolic. For a citizen cares little for the self-serving pleas of institutional looters once he has rooted out their nest of nepotistic back-stabbing and seen their self-government gutted from within.

I only want it recorded for all time which path you chose as the iron wheels of an enfeebled republic's last hope closed in on your prone and pitiful form. I want school children to read of your final squeals - in defiance or in death - and marvel at how little it all meant in the end.

So let this opinion stand as your monument, your epitaph, your crossroads eternally preserved in the amber of the shattered American memory. Let it serve as the record of your redemption or your last yelp as the train ran out the clock on your failed guardianship.

Either way, my long work is done. My case is made. My righteous labors lie before you.

What say you now, 8th Circuit? What say you now?

Justin Riddle,

Pro Se Litigant and defender of American Freedoms

Also, sincerely,

Thank you to those who have joined me in this battle for our nation, for what good are laws when those entrusted to uphold them, instead use them as a shield.

We're still going strong and gaining traction! Now is the time for action.

